

REMARKS

Claims 1-11 and 23-32 are now pending, wherein claims 1, 7, 10, 11, 23 and 24 are amended, new claims 25-32 are added, and non-elected claims 12-22 have been withdrawn from consideration.

Applicants thank the Examiner for that indication that claims 7, 11, 23 and 24 contain allowable subject matter. Claims 7, 11, 23 and 24 have all been amended into independent form to include the features of their respective base claims and any intervening claims. Accordingly, Applicants submit that Claims 7, 11 and 23-32 are all in condition for allowance since they all include allowable subject matter.

Claims 1-6 and 8-10 have been rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,875,824 ("*Atwell*") for the reasons set forth at pages 2 and 3 of the Office Action. In the rejection of claims 1-6 and 8-10, the Office Action appears to rely upon the transfer wheel 400 of *Atwell* for a disclosure of the Applicants' claimed conveying device.

Amended claim 1 is directed to an apparatus for filling at least one cavity in an article with granular or particulate material during an operation for producing said article. The apparatus comprises a filling chamber containing the material, a rotating wheel having at least one pocket defined in an outer circumferential surface, wherein the at least one pocket receives the material in the filling chamber, and the outer circumferential surface defines at least part of a lateral side of the filling chamber, and a conveying device adapted to position at least one article being produced and having at least one cavity to be filled with said material underneath said wheel to receive said material directly into said at least one cavity from said at least one pocket.

Applicants respectfully submit that *Atwell* does not disclose or suggest the above-described novel combination of features claimed in amended claim 1. In *Atwell*, material from the filling chamber 300 is first received in pockets 210 of rotating wheel 200, then transferred to pockets 410 in rotating wheel 400, and finally transferred from the pockets 410 of rotating wheel 400 into spaces 7 between adjacent pairs of filter plugs 5.

Applicants submit that the rotating transfer wheel 400 of *Atwell* cannot be interpreted as a conveying device adapted to position at least one article being produced and having at least one cavity to be filled with the material underneath a rotating wheel to receive the material directly into the at least one cavity from the at least one pocket. The transfer wheel 400 of *Atwell* transfers material from the rotating wheel 200 to cavities 7 in an article being conveyed underneath the transfer wheel 400, as clearly shown in Fig. 2A of *Atwell*. Therefore, the transfer wheel 400 of *Atwell* is not a conveying device adapted to position an article being produced.

Accordingly, it is respectfully submitted that *Atwell* fails to identically disclose the subject matter recited in independent claim 1, and hence dependent claims 2-9.

Amended independent claim 10 is directed to a method of filling a cavity in an article with granular material during an operating for producing said article. In the method of claim 10, a wheel is provided where the wheel is rotatable around a stationary drum defining a vacuum chamber, and the wheel having at least one pocket defined in its outer periphery, and at least a portion of the outer periphery of the wheel defining at least a portion of one lateral side of a filling chamber. The wheel is rotated around this stationary drum and a vacuum is created in the vacuum chamber. Material is dropped into the filling chamber, and vacuum is communicated to the at least one pocket over a distance from when the at least one pocket is positioned along said one side of said filling chamber and interrupting said vacuum at a point at which material in said at least one pocket is transferred directly from said at least one pocket to a cavity in an article being produced.

As discussed above with regard to independent claim 1, *Atwell* requires the movement of material from the filling chamber 300 to pockets 210 of rotating wheel 200, and then from the pockets 210 of rotating wheel 200 to pockets 410 in a second rotating transfer wheel 400, and finally from the pockets 410 of rotating transfer wheel 400 into spaces 7 between adjacent pairs of filter plugs 5. In *Atwell*, there is no disclosure of transferring material from a pocket defined in an outer periphery of a rotatable wheel where at least a portion of the outer periphery of the rotatable wheel defines at least a

portion of one lateral side of a filling chamber, directly from the at least one pocket to a cavity in an article being produced. Accordingly, it is respectfully submitted that *Atwell* fails to identically disclose the subject matter recited in independent claim 10. Withdrawal of the rejection under 35 U.S.C. §102(b) based on *Atwell* is therefore requested.

Prompt issuance of a Notice of Allowance is earnestly solicited. In the event any questions arise regarding this communication or the application in general, please contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: September 17, 2003

By: William O. Trousdell
William O. Trousdell
Registration No. 38,637

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620